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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 OCT -4 AM 9:33

UNITED STATES OF AMERICA,

Plaintiff,

v.

Eleazar FELIX-Olivas,

Defendant

Magistrate Docket No.

'07 MJ 2375

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **October 2, 2007** within the Southern District of California, defendant, **Eleazar FELIX-Olivas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

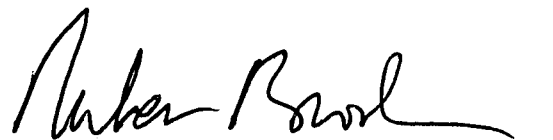


SIGNATURE OF COMPLAINANT

Terri L. Dimilios

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF OCTOBER, 2007



Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

CPH

CONTINUATION OF COMPLAINT:**Eleazar FELIX-Olivas****PROBABLE CAUSE STATEMENT**

On October 2, 2007 at approximately 4:00 P.M., an off duty Border Patrol Agent informed agents via service radio that a white Chevy Astro van had possibly picked up multiple illegal aliens on Forrest Gate Road in Campo, California. Border Patrol Agent R. Platel responded to the call. Agent Platel activated his emergency lights and the vehicle pulled over near Buckman Springs Road. Agent Platel approached the vehicle and noticed a couple of people attempting to conceal themselves under the rear seat. Agent Platel asked the driver to turn off the vehicle and placed the driver in handcuffs for officer safety. At this time Border Patrol Agent M. Salzano arrived at the scene to assist Agent Platel and also noticed the people trying to conceal themselves. Agent Salzano had the passenger exit the vehicle and handcuffed him for officer safety. Agent Platel returned to the vehicle, when he opened the door he saw two people under the rear seats. Agent Platel removed them from the vehicle and identified himself as a Border Patrol Agent. He questioned both individuals as to their citizenship and immigration status. Both men, including one later identified as the defendant **Eleazar FELIX-Olivas**, told Agent Platel they were born in Mexico and were not in possession of any immigration documents that would allow them to be or remain in the United States legally. At approximately 4:47 P.M., Agent Platel placed the four men under arrest and transported them to the Interstate 8 Border Patrol Checkpoint for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 23, 2007** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant advised of his Miranda Rights, which he stated he understood and was willing to answer questions without a lawyer present. The defendant admitted to being a citizen and national of Mexico without having proper immigration documents to be in or remain in the United States legally. The defendant stated that he knowingly entered the United States illegally on October 1, 2007. The defendant also admitted to being an alien smuggler, crossing illegal aliens from Mexico into the United States. The defendant told the individual that was hiding under the seat next to him that he would pay him \$200.00 to learn the smuggling route. The defendant admitted that he led the other individual from Mexico into the United States on October 2, 2007 to show him the smuggling route.